

DEVELOPMENT CONDITIONS

SE 2010-SP-003

October 21, 2010

(As Approved by the Board of Supervisors)

The Board of Supervisors approved SE 2010-SP-003 located at 10125 Lake, Burke, Virginia (Tax Map Parcel 87-2 ((1)) 26) to permit the construction of a telecommunication facility and associated equipment pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance at an existing church and nursery school requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions. Other by-right special permit and/or special exception uses may be permitted on the Application Property without the approval of a Special Exception Amendment if such uses do not affect this Special Exception.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled SYDENSTRICKER_AUUC, prepared by Dewberry-Goodkind, Inc., and dated August 11, 2008, as revised through September 1, 2010, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception SHALL BE POSTED in a conspicuous place on the property along with the Non-Residential Use Permit of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
5. The telecommunication facility shall be limited as follows:
 - a. The telecommunications facility shall be limited to a flagpole-style monopole and the associated equipment enclosure. The flagpole-style monopole shall not exceed 92 feet in height excluding lightning rods. The flagpole-style monopole shall include an auto-halyard to ensure that the flag are lowered at sunset. The flag shall not be lighted.
 - b. The equipment compound located at the base of the monopole shall be limited to a maximum of 506 square feet as depicted on the SE Plat. An eight-foot high, board-on-board fence shall completely enclose the equipment compound.
 - c. The equipment compound may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunication facility. Equipment shelter/cabinets shall have a maximum height of twelve (12) feet and shall be located within the fenced equipment compound as shown on the SE Plat.

- d. The antenna platforms shall be limited to five.
 - e. The number of antennas shall be limited to a total of 15 antennas. All antenna platforms and antennas shall be located inside the flagpole monopole. Available space on the monopole shall be made available for lease by other telecommunications providers, including but not limited to Fairfax County.
 - f. There shall be no outdoor storage of materials, equipment, or vehicles within the equipment compound of the telecommunication facility.
 - g. The telecommunications facility shall be operated as an unstaffed facility with the exception of periodic maintenance inspections and repairs by each of the companies with installations on the monopole tower. Access to the telecommunications facility shall be restricted to routine maintenance visits and emergency situations.
 - h. No signals or lights or illumination shall be permitted on the monopole unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or Fairfax County. A steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety of police and emergency helicopters.
 - i. Should the need arise to alter the monopole from that shown on the SE Plat, the applicant shall submit engineering and structural data to DPWES and the Department of Planning and Zoning (DPZ) affirming that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code and are in substantial conformance with the SE Plat.
 - j. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunication facility. No commercial advertising, whether installed as signs or flags, shall be allowed on the flagpole monopole, antennas, antenna support structures or related equipment cabinets or structures.
 - k. Any component(s) of the telecommunication facility shall be removed within 120 days after such component(s), including, but not limited to the telecommunications facility and the monopole, are no longer in use.
6. The following conditions shall apply to the church and nursery school located on the application property. (Those marked with an asterisk (*) are carried forward from the previous approval of SPA 85-S-083-03).
- a. *The seating capacity within the main area of worship shall not exceed 200.
 - b. The maximum enrollment of the nursery school shall not exceed 45 students.
 - c. *The maximum number of employees for the nursery school shall be limited to 15.
 - d. *The maximum hours of operation for the nursery school shall be limited to 9:00 am to 1:30pm, Monday through Friday.
 - e. *Parking shall be provided as depicted on the SE Plat, and shall consist of a minimum of 51 parking spaces.

7. The following conditions shall apply to the entire application property.
- a. Landscaping shall be provided as shown on the SE Plat.
 - b. Landscaping planted as part of the previous approvals for the church and nursery school that is dead, dying, had been previously removed or is of such a condition to warrant replacement as determined by the Urban Forestry Division, DPWES shall be replaced prior to the issuance of the Non-Residential Use Permit for the telecommunications facility.
 - c. The additional landscaping depicted on the SE Plat shall be planted prior to the issuance of a Non-Residential Use Permit for the telecommunications facility, unless it is determined by the Urban Forestry Division that it is inappropriate to plant the landscaping due to the season of the year. If a delay in planting said landscaping is approved by the Urban Forestry Division, Planting shall occur during to the next planting season and all landscaping shall be in place prior to final bond release.
 - d. All signage for the three uses allowed on the property shall conform with the requirements of Article 12, Signs and these development conditions.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.